



Marcia Robinson Lowry
President &
Executive Director

February 17, 2005

VIA FAX - (601) 352-7757
and REGULAR MAIL

Ms. Betty Mallett
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar Street
Jackson, MS 39201

Board of Directors
Alan C. Myers
Chairman & Treasurer
Robin L. Dahlberg
Secretary
Daniel H. Galperin
Jeffrey B. Gruer
Howard M. Meisel
Alice Rosenwald
Melissa G. Salten
Hershel B. Sarbin
Carol Wilson Spigner
Anne Strickland Squadron

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Ms. Mallett:

I am in receipt of your letter of February 16, 2005. It fails to adequately address two issues.

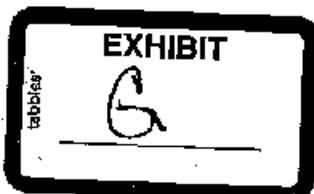
First, neither your privilege log of January 14, 2005, nor your latest correspondence explicitly states what privilege you are relying on. If you are relying on the attorney-client communication privilege, as you seem to imply, I still fail to see how communications with a third party (a private "group home") fall within the privilege. Please state the privilege claimed and the factual basis justifying the privilege. We are also still without any explanation for the redaction of Bates No. 00003 from Olivia Y's case records. As noted in my letter of February 8, 2005, there is no corresponding privilege log entry. Rule 26(b)(5) and the Court's Amended Case Management Order require an adequate privilege log, which we have yet to receive.

Second, Defendants have yet to comply with the Court's January 24, 2005 Order requiring interim rolling production. Only two weeks from the Court's final March 4, 2005 deadline for production of documents responsive to Plaintiffs' First Request, you request patience, but offer no explanation for why not one page is currently available for production from "what undoubtedly are thousands and thousands of pages." Documents should begin being produced immediately.

I will call you early next week, during one of the times you have indicated you are available, to discuss the format of document productions.

Sincerely yours,

Eric Thompson / AW
Eric Thompson
Plaintiffs' counsel



404 Park Avenue South, New York, NY 10016
Tel: 212-683-2210 • Fax: 212-683-4015 • info@childrensrights.org • www.childrensrights.org

cc: Wayne Drinkwater & Melody McAnally, Bradley Arant
Stephen Leech, Esq.
John Lang, Loeb & Loeb